

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Leroy Eldred Simmons, Jr.) Case No: 14-32532
Carolyn Ann Simmons) Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on December 18, 2014, for the cause as follows:

1. The Debtors filed this Chapter 13 Petition on May 7, 2014 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325.
3. The Trustee requests the debtors show a change in circumstances to merit a reduction of funding paid to the unsecured claimholders and plan funding. The Trustee requests six months of pay stubs prior to the date of the modified plan, to include but not be limited to the last stub for 2014 to show the year end income of both debtors. The Trustee would suggest these documents be sent to his office for review to enable him to analyze the income requirements of this case.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: January 28, 2015

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

Certificate of Service

I hereby certify that on January 28, 2015, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), Leroy Eldred Simmons, Jr. and Carolyn Ann Simmons, P.O. Box 89, Freeman, VA 23856 and electronically sent to debtor's attorney, Robert B. Duke, Jr., Esquire, rdukelaw@gmail.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: Leroy Eldred Simmons, Jr.) Case No: 14-32532
Carolyn Ann Simmons) Chapter 13

Debtor Address P.O. Box 89
Freeman, VA 23856

Last four digits of Social Security No(s): 0028
5630

NOTICE OF OBJECTION TO CONFIRMATION

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

 X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

_____ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

 X Attend the hearing on the objection scheduled to be held on **February 4, 2015** at **9:10 am** at United States Bankruptcy Court, **701 East Broad Street, Richmond, VA 23219, Room 5100.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: January 28, 2015

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218-1819
VSBN 34367

Certificate of Service

I hereby certify that on January 28, 2015, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s), Leroy Eldred Simmons, Jr. and Carolyn Ann Simmons, P.O. Box 89, Freeman, VA 23856 and electronically sent to debtor's attorney, Robert B. Duke, Jr., Esquire, rdukelaw@gmail.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee